

EXHIBIT 9

1
2
3
4
5
6
7
8 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
9 FOR THE COUNTY OF FERRY

10 JOSEPH A. CONNOR, III,

11 Plaintiff,

12 v.

13 GMAC MORTGAGE, LLC, et. al.

14 Defendants.

Case No. 11-2-00098-6

DEFENDANTS' AFFIDAVIT IN
SUPPORT OF SANCTIONS AMOUNT
RE PLAINTIFF'S SECOND CLAIM FOR
RELIEF

15 STATE OF OREGON }

16 County of Multnomah }

ss.

17 The undersigned attorney represents to the court under penalty of perjury of the
18 laws of the state of Washington that the following facts offered in support of an award of
19 sanctions against plaintiff are true:

20 1. On June 8, 2012, the court entered an Order awarding defendants
21 sanctions under CR 11 against plaintiff, based on his assertion and subsequent refusal
22 to dismiss his Second Claim for Relief. At that hearing, the court instructed defendants
23 to provide support for an appropriate amount of sanctions to be awarded against
24 plaintiff.

25 2. I am the primary attorney responsible for this matter. I have reviewed the
26 billing for this matter and identified the time entries relating to addressing and

1 responding to plaintiff's Second Claim for Relief. These entries total \$3,363.50. The
2 entries and number of hours and services rendered in the matter relating to plaintiff's
3 Second Claim for Relief are set forth in Exhibit 1 attached hereto and summarized as
4 follows:

<u>Name</u>	<u>Position</u>	<u>Hourly Rate</u>	<u>Number of Hours</u>	<u>Fees</u>
William G. fig	Attorney	\$250.00	11.9	\$2,975.00
Laurie R. Hager	Attorney	250.00	1.5	375.00
Michelle W. Bodenheimer, PLS	Paralegal	135.00	.1	13.50
TOTAL				\$3,363.50

10 3. The following charges are reasonable and necessary and are not included
11 in the hourly rates set forth above or in the Cost Bill filed herewith:

12 Court Call - \$60.00

13 4. Based on the above, plaintiff is entitled to an award of reasonable and
14 necessary attorneys' fees and costs in the sum of \$3,423.50.

15
16
17 William G. Fig, WSBA 33943
Attorneys for Defendants

18 SUBSCRIBED AND SWORN TO before me this 15th day of June 2012.

19
20
21 Notary Public for Oregon
My Commission Expires: 10-1-14

22 F:\CLIENTS\120809\059\PLEADINGS\1 - FEE AFFIDAVIT.DOC
23
24
25
26

June 11, 2012

GMAC MORTGAGE LLC
1100 Virginia Drive
Ft. Washington, PA 19304

20809- 059 WGF

STATEMENT FOR PERIOD THROUGH 6/11/12

LEGAL SERVICES REGARDING: Joseph A. Connor III
GMAC # 725655

2/28/12	L110 A106 WGF	.20	\$50.00
2/28/12	L110 A106 WGF	.30	\$75.00
2/28/12	L210 A104 WGF	.20	\$50.00
2/29/12	L110 A106 WGF	.20	\$50.00
3/01/12	L120 A106 WGF	.20	\$50.00
3/06/12	L210 A103 WGF	.30	\$75.00
3/13/12	L110 A107 WGF	.20	\$50.00
3/14/12	L110 A106 WGF	.20	\$50.00
3/14/12	L110 A107 WGF	.40	\$100.00
3/14/12	L110 A106 WGF	.20	\$50.00
3/15/12	L110 A107 WGF	.20	\$50.00

GMAC MORTGAGE LLC	6/11/12	20809	PAGE 2
3/16/12	L110 A107 WGF	.20	\$50.00
3/20/12	L310 A107 WGF	.20	\$50.00
- 3/20/12 Review email from client regarding Connor release	L310 A106 WGF	.10	\$25.00
3/22/12	L110 A107 WGF	.10	\$25.00
3/23/12	L310 A103 WGF	.70	\$175.00
3/23/12	L310 A103 WGF	1.30	\$325.00
- 3/23/12 Analyze settlement documents from prior case	L110 A104 WGF	.40	\$100.00
- 3/27/12 Emails to/from plaintiff regarding lis pendens and client's position why improper	L110 A107 WGF	.30	\$75.00
- 3/28/12 Emails to/from plaintiff regarding lis pendens and various other settlement-related issues	L210 A107 WGF	.30	\$75.00
3/28/12	L120 A106 WGF	.20	\$50.00
3/30/12	L310 A103 WGF	.30	\$75.00
3/30/12	L310 A106 WGF	.10	\$25.00
3/30/12	L110 A104 MWB	.10	\$13.50
4/06/12	L110 A104 MWB	.20	N/C
4/09/12	L310 A106 WGF	.20	\$50.00
4/09/12	L310 A103 WGF	.30	\$75.00

GMAC MORTGAGE LLC	6/11/12	20809	PAGE 3
4/11/12	L310 A106 WGF .20		\$50.00
4/11/12	L310 A103 WGF .30		\$75.00
— 4/11/12 Prepare summary judgment motion against plaintiff's second claim for relief	L240 A103 WGF 2.30		\$575.00
4/11/12	L210 A104 WGF .40		\$100.00
4/11/12	L210 A103 WGF .90		\$225.00
4/11/12	L210 A106 WGF .20		\$50.00
4/12/12	L310 A104 WGF .10		\$25.00
4/12/12	L120 A106 WGF .70		\$175.00
4/12/12	L210 A103 WGF .40		\$100.00
— 4/12/12 Revise motions for summary judgment and sanctions to include additional information sent by client, to add additional motion regarding new defendant, and to prepare for client's review	L240 A103 WGF .70		\$175.00
4/13/12	L110 A104 MWB .20		\$27.00
4/16/12	L310 A107 WGF .10		\$25.00

GMAC MORTG	6/11/12	20809	PAGE 4
4/16/12	L310 A106 WGF	.10	\$25.00
— 4/16/12 Review email and email attachments received from client regarding background of settlement of 2010 action	L110 A106 WGF	.20	\$50.00
4/16/12	L310 A103 WGF	.20	\$50.00
— 4/17/12 Email to/from client regarding declaration in support of motion for summary judgment	L240 A107 WGF	.20	\$50.00
— 4/17/12 Revise and supplement client's declaration in support of motion for summary judgment per client's request	L240 A103 WGF	.20	\$50.00
— 4/17/12 Emails to/from plaintiff regarding issues with second claim for relief and issues with motion for lis pendens	L210 A107 WGF	.60	\$150.00
— 4/17/12 Emails to/from client regarding emails to/from plaintiff regarding issues with second claim for relief and issues with motion for lis pendens	L120 A106 WGF	.20	\$50.00
— 4/18/12 Prepare declaration of William Fig in support of client's response to lis pendens motion and motions for sanctions	L210 A103 WGF	.40	\$100.00
4/18/12	L210 A103 WGF	.90	\$225.00
— 4/18/12 Revise and supplement summary judgment motion to dismiss second claim for relief	L240 A103 WGF	.30	\$75.00
— 4/18/12 Research local rules regarding filing of motions and responses thereto and requesting hearings on motions	L210 A102 WGF	.30	\$75.00
— 4/19/12 Emails to/from client regarding status of declaration in support of clients' motion for summary judgment	L240 A106 WGF	.20	\$50.00
— 4/19/12 Finalize clients' motion for summary judgment and sanctions regarding second claim for relief	L240 A104 WGF	.40	\$100.00

GMAC MORTGAGE LLC	6/11/12	20809	PAGE 5
4/19/12	L240 A106 WGF	.20	\$50.00
4/19/12	L310 A108 WGF	.30	\$75.00
4/19/12	L310 A107 WGF	.40	\$100.00
- 4/20/12 Review lengthy email from plaintiff regarding dismissal of case and refiling of case in San Francisco and prepare response thereto	L110 A107 WGF	.30	\$75.00
4/20/12	L120 A106 WGF	.30	\$75.00
4/20/12	L160 A107 WGF	.20	\$50.00
4/20/12	L120 A102 WGF	.40	\$100.00
- 4/20/12 Review Ferry County local rules regarding summary judgment motions	L240 A102 WGF	.20	\$50.00
4/23/12	L110 A104 MWB	.10	\$13.50
4/25/12	L210 A107 WGF	.30	\$75.00
4/27/12	L210 A109 WGF	.80	\$200.00
4/27/12	L210 A101 WGF	.30	\$75.00
4/27/12	L210 A104 WGF	.30	\$75.00
4/27/12	L210 A106 WGF	.20	\$50.00

GMAC MORTGAGE LLC

6/11/12

20809

PAGE 6

4/30/12	L110 A107 WGF	.10	\$25.00
5/07/12 Emails to/from plaintiff regarding dismissal of second claim for relief, request for sanctions, and steps necessary to prepare for trial	L110 A107 WGF	.40	\$100.00
5/08/12	L110 A107 WGF	.20	\$50.00
5/09/12	L210 A104 WGF	.30	\$75.00
5/09/12	L210 A107 WGF	.20	\$50.00
5/09/12	L210 A102 WGF	.30	\$75.00
5/10/12	L210 A104 WGF	.30	\$75.00
5/10/12	L210 A104 WGF	.60	\$150.00
5/10/12	L210 A107 WGF	.30	\$75.00
5/11/12	L210 A103 WGF	.60	\$150.00
5/11/12	L210 A103 WGF	.30	\$75.00
5/11/12	L210 A107 WGF	.60	\$150.00
5/11/12 Revise stipulated order and judgment to address plaintiff's concerns	L210 A103 WGF	.20	\$50.00
5/11/12	L210 A102 WGF	.20	\$50.00
5/11/12	L210 A103 WGF	.20	\$50.00

GMAC MORTGAGE LLC		6/11/12	20809	PAGE 7
5/11/12		L210 A103 WGF	.20	\$50.00
— 5/16/12	Emails to/from plaintiff regarding various pending motions and case status	L110 A107 WGF	.30	\$75.00
5/16/12		L210 A103 WGF	.60	\$150.00
5/16/12		L210 A103 WGF	.30	\$75.00
5/16/12		L210 A108 WGF	.10	\$25.00
5/17/12		L210 A107 WGF	.10	\$25.00
5/18/12		L210 A101 WGF	.20	\$50.00
5/18/12		L210 A109 WGF	.40	\$100.00
— 5/18/12	Determine further necessary action to protect client's interest given pending hearing on motion for summary judgment and sanctions	L110 A104 MWB	.10	\$13.50
5/22/12		L240 A104 WGF	.30	\$75.00
5/22/12		L210 A103 WGF	.20	\$50.00
5/29/12		L240 A107 WGF	.20	\$50.00
— 5/29/12	Email to plaintiff regarding motion regarding service on Balsano, withdrawal of motion and other motions still pending	L240 A107 WGF	.20	\$50.00
5/30/12		L120 A107 WGF	.10	\$25.00
— 6/01/12	Follow up on status of motion hearing and arrange for court call for hearing	L240 A104 WGF	.20	\$50.00
— 6/01/12	Review suggestion of bankruptcy filed by plaintiff	L210 A104 WGF	.10	\$25.00

GMAC MORTGAGE LLC 6/11/12 20809 PAGE 8

6/01/12 Prepare letter to plaintiff regarding suggestion of bankruptcy and remaining defendants' intent to continue with motion hearing	L210 A103 WGF	.20	\$50.00
6/01/12 Prepare form of proposed order regarding clients' summary judgment motion and motion for sanctions	L240 A103 WGF	.40	\$100.00
6/01/12	L190 A104 MWB	.10	\$13.50
6/06/12 Analyze issues and strategize oral argument for summary judgment and sanctions hearing	L240 A101 LRH	.30	\$81.00

TIMEKEEPER	TIME	RATE	VALUE
WILLIAM G. FIG	30.90	250.00	7,725.00
LAURIE R. HAGER	.30	250.00	81.00
MICHELLE W. BODENHEIMER	.20	.00	.00
MICHELLE W. BODENHEIMER	.60	135.00	81.00

TOTAL FEES

\$7,887.00

COSTS AND EXPENSES

5/03/12 United Parcel Service	\$62.73
5/04/12 Courtcall	\$60.00
5/24/12 United Parcel Service	\$31.62
5/25/12 Courtcall	\$60.00
6/11/12 Duplicating Expenses	\$74.80
6/11/12 Long Distance Telephone	\$1.59

TOTAL COSTS AND EXPENSES

\$290.74

TOTAL FEES AND COSTS

\$8,177.74

June 14, 2012

GMAC MORTGAGE LLC
1100 Virginia Drive
Ft. Washington, PA 19304

20809- 059 WGF

STATEMENT FOR PERIOD THROUGH 6/14/12

LEGAL SERVICES REGARDING: Joseph A. Connor III
GMAC # 725655

6/06/12	Analyze issues and strategize oral argument for summary judgment and sanctions hearing	L240 A101 LRH	.30	\$81.00
6/07/12	Emails to/from plaintiff regarding plaintiff's improper service of document regarding June 8 hearing	L240 A107 WGF	.20	\$50.00
6/07/12	Brief review of pleading filed by plaintiff regarding June 8 hearing and GMACM's bankruptcy	L210 A104 WGF	.20	\$50.00
6/08/12	Telephone conversation with client regarding hearing on motion to dismiss second claim for relief	L240 A106 WGF	.10	\$25.00
6/08/12	Appear for motions for summary judgment and sanctions by telephone and prepare for same	L240 A109 LRH	1.20	\$324.00
6/11/12	Emails to/from LSI regarding case status	L190 A106 WGF	.20	\$50.00
6/11/12	Analyze billings to identify time spent addressing second claim for relief	L200 A104 WGF	.40	\$50.00

TIMEKEEPER

WILLIAM G. FIG
LAURIE R. HAGER

TIME	RATE	VALUE
1.40	250.00	275
1.50	250.00	375

TOTAL FEES

650.00
\$650.00

COSTS AND EXPENSES

6/13/12 Courtcall
6/14/12 Duplicating Expenses
6/14/12 Long Distance Telephone
6/14/12 CourtTrax

*\$60.00
\$25.60
\$.53
\$58.00

\$3,363.50

CERTIFICATE OF SERVICE

THE UNDERSIGNED certifies:

1. My name is Karen D. Muir. I am a citizen of Washington County, state of Oregon, over the age of eighteen (18) years and not a party to this action.

2. On June 15, 2012, I caused to be delivered via **FIRST CLASS MAIL** a copy of **DEFENDANTS' AFFIDAVIT IN SUPPORT OF SANCTIONS AMOUNT RE PLAINTIFF'S SECOND CLAIM FOR RELIEF** to the interested parties of record, addressed as follows:

Joseph A. Connor III
PO Box 1474
Cobb, CA 95426

I SWEAR UNDER PENALTY OF PERJURY that the foregoing is true and correct to the best of my knowledge, information, and belief.


Karen D. Muir, Legal Assistant

F:\CLIENTS\20809\059\CERTMASTER.DOC